

REMARKS

Applicant respectfully requests reconsideration. Claims 1, 3-12 were previously pending in this application. By this amendment, Applicant is amending claim 1. As a result, claims 1, 3-12 are pending for examination with claim 1 being an independent claim. No new matter has been added.

Examiner Interview

Applicant would like to thank Examiner Vaughn Coolman for his courtesies during a telephone interview with Applicant's representative, Shannon Vittengl on February 4, 2010. During the telephone interview, the rejections in view of Fujiwara (U.S. 5,746,282) and Andreen (WO 95/20514) were discussed and Applicant's representative suggested amending claim 1 to recite that the accumulator and the wheels are mounted to the same surface of the base.

The Examiner preliminarily agreed that such an amendment would likely overcome the current rejections, but he suggested that claim 1 should be amended to clarify that the wheels and accumulator arrangement are *directly* mounted to the same surface of the base.

The substance of the discussion is further incorporated into the following remarks.

Claim Rejections

Claims 1 and 3-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fujiwara et al. (U.S. 5,746,282) in view of Andréen (WO 95/20514). The remaining claims 8-12 stand rejected as being obvious in view of Fujiwara and Andréen in view of Andes (U.S. Patent No. 6,443,252) or Salmon (DE 100 10 852). Applicant has amended independent claim 1 to more clearly distinguish over the references.

Fujiwara is directed to a power-assisted cart 10 including a wheeled platform 1 with left and right driving wheels 2a, 2b and front and rear casters 3a, 3b. A drive unit 6 may be in the form of two electric drive motors 6a, 6b which may be fixed to the underside of the platform. The cart also includes a handle 4 mounted on the platform and the cart may be controlled by an operating unit provided on the handle.

The Office Action recognizes that Fujiwara fails to disclose an accumulator arrangement mounted on the underside of the base. The Office Action then looks to Andréen as allegedly teaching this limitation and concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus shown in Fujiwara with the accumulator arrangement of Andréen.

In an effort to further the prosecution of this application, independent claim 1 has been amended to clarify that *the accumulator and the wheels are directly mounted to the same surface of the base*.

The Office Action concedes that Fujiwara fails to disclose an accumulator arrangement mounted on the underside of the base. Furthermore, Andréen does not teach an accumulator arrangement directly mounted to the same surface of the base (see Figure 3 of Andréen). The wheels 2a are directly mounted to the underside of the cart's base, whereas the chargeable battery 21 and the battery charger 22 are mounted on the opposite surface. Therefore, Andréen does not disclose that *the accumulator and the wheels are directly mounted to the same surface of the base*, as now recited in independent claim 1.

Accordingly, it is respectfully submitted that claim 1, as now amended, overcomes the rejection.

Claims 3-12 depend from claim 1 and are thus all patentable in view of Fujiwara and Andréen for at least the same reasons.

CONCLUSION

In view of the above amendment, Applicant believes the pending application is in condition for allowance and a Notice of Allowance is respectfully requested. If the Examiner believes that minor clarifying amendments to the claim would be helpful, the Examiner is requested to call the undersigned at the telephone number listed below.

In the event the U.S. Patent and Trademark Office determines that an extension is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to please charge our Deposit Account No. 23/2825 under Docket No. H0075.70115US00 from which the undersigned is authorized to draw.

Dated: February 18, 2010

Respectfully submitted,

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